

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE CHETRIT GROUP and JOSEPH CHETRIT,

Plaintiffs,

Case No. 07 CIV 8653 (GBD)

- V. -

LABORERS LOCAL UNION 79, KENNETH
BRANCACCIO, in his capacity as President of
Laborers' Local Union 79, et al.,

Defendants.

**NOTICE OF MOTION TO DISMISS THE AMENDED COMPLAINT
BY DEFENDANTS JAMES HEGARTY, GUY SPERLING,
STANISLAW HUBKA, JOHN DELGADO, CHARLES RYNKIEWYCZ,
GERARD KRAFT, JUAN CARLOS AND LUIS MONTALVO**

PLEASE TAKE NOTICE that pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants James Hegarty, Guy Sperling, Stanislaw Hubka, John Delgado, Charles Rynkiewicz, Gerard Kraft, Juan Carlos and Luis Montalvo (collectively, the “Individual Defendants”), hereby move this Court to dismiss the First Amended Complaint in the above-captioned case.

This motion is based upon the Individual Defendants' Memorandum of Law submitted herewith.

Pursuant to Local Rule 6.1(b), any opposition to this motion shall be served by March 24, 2008.

Date: March 10, 2008
New York, New York

Respectfully submitted,

/s/ Joseph J. Vitale

Joseph J. Vitale (JJV 0415)
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing Notice of Motion to Dismiss
and accompanying memorandum of law to be served by first class mail, postage prepaid upon:

George Brenlla
Clifton, Budd, & DeMaria, LLP
420 Lexington Avenue, Suite 420
New York, New York 10170

this 10th day of March 2008.

/s/ Joseph J. Vitale

Joseph J. Vitale